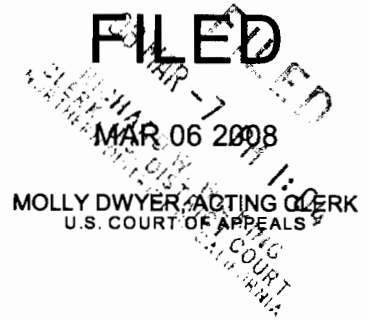


UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT



DAVID KAYNE, an individual citizen of  
Georgia,

Plaintiff - Appellant,

v.

THE THOMAS KINCADE COMPANY,  
formerly known as Media Arts Group,  
Inc.,

Defendant - Appellee.

No. 08-15038

D.C. No. CV-07-04721-SI  
Northern District of California,  
San Francisco

ORDER

Pursuant to the stipulation of the parties, this appeal is voluntarily dismissed.  
Fed. R. App. P. 42(b). Costs and fees shall be allocated pursuant to the parties'  
stipulation. A copy of this order sent to the district court shall act as and for the  
mandate of this court.

For the Court:  
MOLLY C. DWYER  
Acting Clerk of the Court

Teresa A. Haugen, Deputy Clerk  
9th Cir. R. 27-7/Advisory Note to R. 27  
and 9th Cir. R. 27-10